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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

**DEFENDANT/COUNTERCLAIM
PLAINTIFF IBM'S EX PARTE MOTION
FOR LEAVE TO FILE OVERLENGTH
OPPOSITION TO SCO'S MOTION FOR
LEAVE TO FILE A THIRD AMENDED
COMPLAINT**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

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Pursuant to DUCivR 7-1(e), Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this Ex Parte Motion for Leave to File Overlength Opposition to SCO’s Motion for Leave to File a Third Amended Complaint Pursuant to Federal Rules of Civil Procedure 15(a) and 16(b), consisting of approximately fifteen pages of argument, exclusive of face sheet, preliminary statement, declarations and exhibits.

In support of its motion to amend, SCO submitted an overlength memorandum some twenty-five pages long, asserting that such length was necessary for SCO to fully address for the Court the importance of the proposed amendment to SCO. Although IBM endeavored to address each of SCO’s arguments succinctly in its opposition memorandum, doing so nevertheless resulted in the need for approximately fifteen pages of legal argument, five additional pages of argument beyond the ten pages allotted by DUCivR 7-1(3).

For the foregoing reasons, IBM respectfully requests that it be granted leave to file the opposition memorandum submitted concurrently herewith, consisting of approximately fifteen pages of argument.

DATED this 30th day of November, 2004.

SNELL & WILMER L.L.P.



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CERTIFICATE OF SERVICE


I hereby certify that on the 30th day of November, 2004, a true and correct copy of the foregoing was hand delivered to the following:

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